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CASE OF

EDWIN GOMEZ.

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HIS APPEAL FOR JUSTICE

TO THE

SENATORS and REPRESENTATIVES

OF THE

AMERICAN PEOPLE

In Congress Assembled.

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CASE OF EDWIN GOMEZ.

Narrative of his arbitrary arrest and unjust imprisonment; the illegal interference with and outrageous destruction of his business by officials of the U. S. Government.

Edwin Gomez is a native-born citizen of the United States. He was born in the State of New Jersey; is a man of inventive genius and has enjoyed an extended reputation as such among men of prominence in army and navy circles and others engaged in mining, boring, tunneling and kindred occupations. As far back as 1856 he invented a new water-proof safety fuse or electric fuse train, by using which at least 500 per cent. power was added to the force of powder in blasting operations.

His invention was hailed as one of the most remarkable and useful of our times. The *Daily News* of the City of New York, in a eulogistic article published July 9, 1859, glowingly described the results of a trial of this electric safety fuse at the new reservoir in Central Park. The *New York Tribune* of June 19, 1861, narrated the satisfactory results of an experiment made on the preceding day before the City Hall, which demonstrated the value of the electric fuse whether in blasting rocks, use on shipboard, blasting under water, protecting harbors from blockade, protecting fortifications and camps and firing several cannon and mines at the same time. The *New York Herald* bore similar testimony to this wonderful invention. It was on exhibition at the St. Nicholas Hotel, the Astor House and New York Hotel, the inventor availing himself of the courtesies of these public hostelries to bring the electric fuse train before the speedy attention of oil well producers, miners, military and naval officers who stopped at or frequented such resorts. He had a recognized place of business at 124 Bleecker Street, New York.

All his transactions were open and above board, know not all whom it concerned, his sole secret being that of which he was and is the supreme, natural, inalienable and lawful possessor, viz.: the ingredients of his invention and the methods of its manufacture. As an inventor he added a mighty force to the wonderful powers of this marvelous age. His discovery was a potency of untold value to the peaceful armies who tunnel the loftiest mountains to make highways for the iron-horse of commerce and transportation, or who delve the rich depths in which nature has concealed her treasures of gold, silver, iron, coal, lead, oil and cement clays. His invention was a force of magnitude long desired by the armies of war to increase their facilities of hastening victory and thus averting the agonies and anxieties of prolonged strife.

By his inventive genius and his skill in adapting his discovery to the benefit of the human race, Mr. Gomez proved himself a benefactor of mankind; and yet, although publicly known as an inventor and manufacturer, although he was heralded by the leading newspapers of this city, although he was engaged publicly in a lawful pursuit at an established and recognized place of business in the principal seat of our national commerce and the centre of our financial activity, wherein an inventor would naturally look for means to promote and develop his discoveries, he was, without a word of warning, without the formulation of a criminal charge, without any of the warrants of law which are thrown round the citizen by the Constitution, torn from his business, deprived of his books, papers, letters, &c., severed from the bosom of his loved family, and as though he were a malefactor, steeped in crime against kindred, citizenship and country, Mr. Gomez was arrested October 26, 1863, and again on March 17th and 21st, 1864, by the United States Government, immured in the dungeons of Fort Lafayette and there incarcerated for months to the ruin of his business, the anguish of his family and lasting injury to his health.

Was he an American with the rights of citizenship? He was. Was he guilty of crime? He was not. Were the civil courts abolished? They were not. If wrong were done all the machinery of law was in full operation to repress and to punish. It was within the power of his accusers to

arraign him at the bar of justice, there make good their allegations or suffer him to rest in peace under the majesty of the law. But there were evil days in the land then and an iron hand held the reins of power at Washington, and might made right when men's minds were set awry by the calamities of Civil War. The maddened South was in deadlock with the surging North. Suspicion lurked abroad. The pleadings of equity were drowned in the roar of cannon. The tramp of armed men outswelled the cries of justice. Law slumbered while arbitrary rule held sway, and Edwin Gomez learned that he had fallen on days when even the freest of republics was under a despotism as relentless and grinding as the most autocratic of empires.

Mr. Gomez now seeks redress for this arbitrary arrest, imprisonment, ruin of business and injury to health.

It may be asked why it is that he seeks such redress at this late time, to which he answers that in 1863 and 1864 he was required by the Government, through United States Marshal Robert Murray, at 41 Chambers Street, New York, to furnish heavy bonds from parties purchasing his electric fuse. Those who had the fuse in their possession, on learning of his imprisonment became alarmed, and fearing arrest threw large quantities of the material back upon his hands. This caused him further great loss which completely impoverished him, and thus lawyers and others who might have been induced by financial considerations to assist in righting a great wrong could not be procured.

At least $95,000 were spent by Mr. Gomez in the business of fuse manufacturing. He has never been able to recover from the blow dealt him by the Government which should have nourished his genius, encouraged his enterprise and rewarded his skill, but which with unaccountable blindness hounded him to financial ruin. At the time of his arbitrary arrest he was entering the high road of legitimate return for many years of anxious thought and monetary outlay. By one fell sweep the prize of financial success, with its accompanying conveniences and satisfactions, was stricken from his hand. He was a Unionist, loyal to the flag, had never been South for fifteen years previous to the war, was a Northern man by birth, and his business ramifications naturally led him to acquaintance with the mechanical, engineering and mining skill of the North and West rather

than with those of the slave-labor, cotton-picking old South. His arrest was the result of that ignoblest of passions which is born of panic in times of commotion, when shadows are treated as though they were substances, and the insinuations of the coward, the malicious whisperings of rivals or the trumped-up charges of the super-officious spy serve as weapons to smite honest men. No man is so great that he is free from the frailties of our common nature, and the passions, the prejudices, the fears, the anxieties of a Secretary of War can be played upon, even in the zenith of his power and experience, as they were or could be when he was but a village school-teacher or tyro lawyer.

"Gomez is possessed of a dangerous knowledge. Perhaps he will tell the Rebels and then we are gone up," insinuates the coward.

"Gomez has an invention which will reduce the quantity of powder we sell the Government. We must whisper round that he doesn't care who buys it and so make the Government think he is not a safe man to be abroad" says the speculator in powder manufacture, who is growing rich out of the blood of maddened brethren.

"I am a secret agent, a hireling, a bloodhound in the pay of the Government. I must commend myself to the notice of my masters. I must show my usefulness and so I'll outdo Titus Oates and swear that Gomez treated with me as a rebel. I'll trump up charges against him, the Secretary of War will hail me as the saviour of the State. I'll be rewarded, promoted, honored," says the spy.

"Away with him" cries the official at Washington, and away Gomez is brought and away Gomez remains never again to know a satisfaction in life save that after months of weary imprisonment the military authorities who had jailed him, ruined his business and injured his health, found they could not believe the testimony of their perjured spy and so turned their victim over to the civil authorities to receive honorable vindication from the law which had been outraged in Gomez's arrest.

The facts of this most unusual affair are given below They prove the foregoing in every particular and are ample foundation for the redress which Edwin Gomez asks from his country whose liberty was outraged in his person.

The arrest of Edwin Gomez was wholly high-handed in

character. He was dragged from his business and detained in the custody of the United States Marshal without having violated any law, and in defiance of every rule of justice. On April 16, 1864, Edwin M. Stanton, Secretary of War, wrote as follows:

"I shall hold all parties personally responsible for the manufacture and sale of the lightning fuse." In other words Mr. Stanton arrogated to himself the right of personally preventing the manufacture and sale of an article which experiment had demonstrated to be of prime value in developing the resources of the country, and he thus threw the burden of attempting to manufacture false testimony on such low creatures as spies and informers.

While a prisoner in the hands of the United States Marshal, the following telegram was issued from Washington:

"War Department, Washington City, D. C.,
October 26, 1863.

Robert Murray, United States Marshal, New York.

You will arrest Gomez and * * * * charged with giving aid as assistance to the rebels, contraband trafficking, furnishing munitions of war to the rebels, etc., and convey them to Fort Lafayette, therein to be held till further orders. You will also seize and examine their papers and contraband goods and report.

[Signed] L. C. Turner.
Judge Advocate."

The verbose effrontery of this cool order to arrest a loyal, law-abiding, peaceable citizen, is without parallel in our history; and on the strength of this mandate Edwin Gomez was torn from his affectionate young wife, then in a delicate and interesting condition, his home was invaded, his house ransacked, his books seized and his legitimate business ruined.

It is highly interesting to read the *public* grounds upon which, it is to be supposed, Edwin Gomez was thus treated. Before United States Commissioner Osborn, May 28, 1864, one Everitt H. Smith swore:

"I am a special officer of the War Department and was

so in October, 1863. I know Mr. Gomez. I was introduced to him in October, 1863, by Mr. De Groot, in this city at the Hone House, I think near the Lafarge House. I afterwards met Mr. Gomez on two occasions. When I was introduced to defendant Mr. Gomez at the Hone House, my object in being introduced was to purchase from Mr. Gomez machinery for making fuse, also to purchase a quantity of ready-made fuse. Mr. Gomez said he would sell me the machinery for $225,000. I agreed to take the machinery. I represented myself to him as a confederate or rebel before I spoke about purchasing the machinery and this fuse. It was said by Mr. Gomez that as the manner of making the fuse could be easily learned, it would not be necessary for him to accompany me South. Mr. Gomez said it was not bulky, it could be put in a small box and easily transported; this was at the first interview at the Hone House. I told him it was to be taken South to manufacture fuse for the rebels. Nothing more was said at that interview. A few days after I had another interview at his office in Bleecker Street with Mr. Gomez. Mr. Gomez then showed me how the fuse was manufactured, and stated to me that he had received orders from Mr. Dahlgreen (Federal Government) to manufacture fuse, but had refused it while he was negotiating with me. In the meantime he showed me about 6,000 feet of fuse he had manufactured upon an order I had given through De Groot before I saw Gomez at the Hone House. I agreed to take it and we spoke about the manner in which it should be sent South. Mr. Gomez said he had manufactured this fuse for me on Mr. De Groot's order. I agreed to pay Mr. Gomez $225,000, the money to be deposited in bank or by a draft on a bank in England; that was all. I called on Mr. Gomez at his office again in a few days after the second interview. On the second interview the fuse was on the floor. On the next it was in a barrel. On the last occasion Mr. Gomez said Mr. De Groot would be willing to take an interest in the machinery.

We came to no definite conclusion as to how it was to be sent; it was to remain in his office, subject to my order through Mr. De Groot.

I was introduced to Mr. Gomez by the name of Mr. Owens. I sought the introduction to him. I had never

seen him before I met him at the Hone House. None of the machinery or fuse was ever delivered to me or to my order. I never paid Mr. Gomez any money. I never intended to take any of his machinery or fuse South, I did not intend to buy the machinery. I did not intend to buy the fuse. The machinery and the fuse may remain, as far as I know, to this day in the possession of Mr. Gomez. The fuse was not packed up in a barrel or cask. I have no knowledge that Mr. Gomez ever sent any goods South on any occasion or at any time. Mr. Gomez never said that De Groot was acting as his agent."

No other testimony was introduced, and defendant, on motion of his counsel, was discharged.

Before a military commission appointed for the examination of prisoners at Fort Lafayette, February 11, 1864, Edwin Gomez had sworn :

"Born in New Jersey. Thirty two years old. Resided the last three years in New York all the time. I never knowingly furnished munitions of war or anything else to the rebels. Am the inventor and maker of Gomez submarine fuse for the explosion of powder. Since the war commenced have manufactured and sold 25,000 feet of it at from 25 to 40 cents per foot to the United States, to Prussia and individuals, 11,000 or 12,000 to the United States, and 1,500 to Prussia. I was arrested for agreeing with Mr. Groot, I presume, to sell him five or six thousand feet which I was about to deliver at 30 cents packed in boxes ; don't recollect where Groot finally said he did not want it ; gave no reason. My place of business, 124 Bleecker Street, New York. I had only a street and hotel acquaintance with Groot. He hailed from Albany. Did not tell me what he wanted to do with the fuse. I have never had any trade with Nassau or any other place. Cannot name any other purchaser of my fuse. Know nothing of McKee or Oliver. Have not been South for fifteen years. Have no idea why I was arrested, though I was told I furnished materials to blow up the 'Ironsides,' which was false."

We see here the trumped-up story of the super-officious spy flatly contradicted, and the following shows that the judicial officer of the Government could not bring himself up to the standard of a Jeffreys or a Norbury or a Keogh.

UNITED STATES COMMISSIONERS' OFFICE,
Southern District of New York,
No. 41 Chambers Street,
NEW YORK, June 21, 1864.

TO THE Hon. E. DELAFIELD SMITH,
United States District Attorney.

I hereby certify that I have made a full and fair examination of the case of the United States against Edwin Gomez, who stood charged with the offense of giving aid and comfort to the existing Rebellion, under the Act of Congress approved July 17, 1862. And I further certify from such examination, the evidence produced not being sufficient to warrant the commitment of the accused, or a case of probable cause by reason of the testimony failing to show that said accused had given actual aid or comfort, as required by the statutes, under a fair construction of their provisions, I decided that the alleged offense, as supported by the evidence, did not come within the meaning and intention of the Act of Congress, and discharged the accused from custody.

JOHN A. OSBORN,
United States Commissioner,
Southern District of New York.

Certificate of U. S. Commissioner Osborn, signed June 21, 1864.

From the statement of this Groot or De Groot before the Military Commission at Fort Lafayette, it would seem that spy Smith passed as one Owens and attempted to make it appear that Groot was an agent of, or in some way specially connected with Gomez. De Groot said:

"Reside in Albany, do business in New York, at 18 Liberty Street, Commission Merchant for a few months.

Had previously been in the banking business in Washington, where I had a bank, no charter; my bank was called the Mercantile; I was cashier, Walker was teller; I forget the President's name.

My New York business was that of a Commission Merchant, and there has been nothing about it that I wish to conceal.

A Baltimore gentleman named Stowell gave one Owens a letter of introduction to me. Owens said he had business in Chicago. I have lost or destroyed that letter.

He asked where he could buy Gomez fuse ; I asked what he wanted of it ; he said to take West, could I get him 6,000 feet. I saw Gomez about it. He required an advance of $300 before he would begin to make it and I advanced him the $300, one hundred dollars of it from my own funds—taking Gomez's receipt for $300, and a bill for the whole quantity of fuse to be manufactured and delivered at his place. Owens came for the fuse. I then asked him more particularly what he was going to do with it—this was two or three weeks after making the contract—as he gave me no satisfactory answer, I refused to deliver it. I went to Gomez and told him that as Owens would not tell me what he wanted to do with the fuse I would not take it; he said, 'that is right.' He told me a day or two afterwards that he had sold it to the Navy Yard. The $300 has not been repaid. I demanded it. Gomez did not refuse to repay, but said he thought it a forfeiture. I do not know what became of Owens.

I know little about Stowell. I was introduced to him in his store in Baltimore ; he keeps military goods. Owens asked me to store some boxes of goods for him and I assented ; they came by Harnden's Express, three small boxes. I asked him what they contained. He opened two of them, containing ladies' gaiters and children's shoes ; as to the other box all I know is that it was light and he said it contained the same kind of goods. I had them removed to another store, for want of room, and there the Marshal arrested them. I told him where they were. I don't know what was in them.

The reason for my asking Owens what he wanted to do with the fuse was that I thought he had a sneaking look, and acted mysteriously.

The prisoner Oliver came to my place to ask for Owens, and asked me if he came to send him to J. W. McKee, 42 Fourth Street, or to John McKee, 39 Beaver Street.

I know nothing of Mr. Encas."

Released by the military and honorably discharged by the civil authorities, Mr. Gomez returned to his saddened home and ruined business. But does it not clearly appear

that a more outrageous arrest was never perpetrated even in Russia, and does it not seem just that compensation should be given the innocent victim of his Government's fanatical folly? In the cold unimpassioned eye of Justice, as represented by Commissioner Osborn, evidence did not exist to justify the detention of Mr. Gomez, and the following letter proves that when the case was transferred to the civil authorities no indictment was found.

"War Department.
"Washington City, D. C.,
"January 30, 1867.

"Mr. Edwin Gomez,
"No. 26 Third Street,
"New York.

"Sir:

"In answer to your letter of date 21st inst., to the Secre-
"tary of War, I am directed to say that all letters and
"papers in your case were transmitted to Major General
"Dix, to be used before the military commission, and after-
"wards delivered by General Dix to the United States Dis-
"trict Attorney in New York, as supposed, when your
"case was transferred to the civil authorities. The United
"States Attorney reported that your case had been present-
"ed to a grand jury, and *no indictment found;* Mr. E.
"Delafield Smith was District Attorney at the time, and
"the papers you desire will probably be found in the office
"of the present United States Attorney.

"Your obedient servant,
"L. C. Turner, *Judge Advocate.*"

As outlined in opening this case, all the transactions of Edwin Gomez for years had been above-board. He had had an interview with General McClellan in 1861, who caused the electric fuse to be tested by officers of experience and merit, and the letters and papers from leading officers and others which he can furnish, dating back to even 1858, show the value of his invention to have been great indeed. European Governments had recognized its merits, captains of American industry—the sturdy, go-ahead speculative miners of our country—were desirous of its acquisition,

and it is safe to say that had Mr. Gomez been treated properly by the powers which combined to his ruin he would be to-day under the marvelous progress of the country, in a condition of prosperity, feeling that the fond eyes of a loving wife and cherished family rested on him with the feeling that their comfort had resulted from the combined inventive genius and industry of a husband above reproach and a father of whom his children might well be proud.

It is to the end that some restitution may be made that this case is now presented to the Congress. Time has but intensified the magnitude of Mr. Gomez's as yet unrighted wrongs. He is growing old now, yet full of vigor sufficient to render mankind yet greater benefits provided that the justice of his claim receives the practical recognition of compensation for wholly unmerited outrage. The country which crushed him should be brave enough to admit its error and magnanimous enough to repair its wrong. And to complete the proof, if any more is wanted, Mr. Gomez stands ready to answer the most searching interrogatories, proving that he is now, as well as he was during and prior to the civil war, a loyal citizen of this republic. Conspirators do not seek the patronage of the powers they desire to overturn, and a follower of Jefferson Davis would not have brought his newly-invented weapon of destruction to the particular and *primary* notice of his enemies.

The charge against Gomez was ridiculous. It failed of proof in every Court, civil and military. Partisan politics cannot enter the proper consideration of the case ; and again drawing attention to the letters, orders and correspondence that he is prepared to put in evidence, and which show the esteem of competent judges for the utility of the electric fuse, the case of Edwin Gomez is presented to the representatives of the American people—a people who are so truly great that they can never afford to be unjust.

Arrest of Mr. Gomez in 1863 and 1864. Narrative Continued and Further Testimony Introduced.

AN APPARENT CONSPIRACY TO RUIN MR. GOMEZ.

That a desperate effort was made to connect Mr. Gomez with an unlawful conspiracy is evident from the testimony of one Philip W. Groot before the Military Commission at Fort Lafayette, as also by the testimony of Isaac Oliver and John McKee, given to the same tribunal. Copies of that testimony are appended with a letter proving its authenticity from Mr. Lincoln, Secretary of War, and son of our Martyr President. These men were arrested at the same time that Mr. Gomez was arrested, and all their statements go to prove the utter innocence of Mr. Gomez. In drawing special attention to their testimony Mr. Gomez in no way desires to involve them, nor does he wish to suggest that they were parties to any plot against him. On the contrary, he wishes simply to clear himself from any appearance of complicity in treasonable designs without even insinuating that they had been guilty, since hisacquaintance with them was but of a passing character, without further intimacy than that which arose from the association of arrest and imprisonment on the same charge.

Mr. Groot in his testimony states that he was a commission merchant, and that a Baltimore gentleman named Stowell gave one Owens a letter of introduction to him.

Owens asked Groot where he could buy Gomez's fuse, stating that he had business in Chicago and wanted to take the fuse to the West. Further dealings with Owens convinced Groot that there was something hidden or mysterious in the appearance and the conduct of Owens and Groot refused to deliver it, whereupon Gomez declared that such refusal was right.

Certainly refusal of delivery to a suspiciously acting person does not appear to be a likely act on the part of men engaged in unlawful pursuits, and particularly so in the case of Mr. Gomez, who emphatically approved of the refusal,

although such a course was likely to prevent further orders for the manufacture and sale of the fuse.

The suspicion of intending to create an appearance of conspiracy so as to promote the evil purposes of spies is shown in the fact that there were two persons of the name of McKee introduced—one J. W. McKee of 42 4th Street—the other John McKee, 39 Beaver Street.

The prisoner Isaac Oliver swore that he was a master mariner, running a packet schooner regularly between New York and Baltimore. And here again this Stowell, of Baltimore, appears by giving Oliver a letter to Groot in regard to goods to be shipped from New York to Baltimore. When Oliver met Groot the latter spoke of Owens as being a man who might have goods to be shipped to Baltimore. Oliver gave Groot his address at McKee's a commission merchant, but as Oliver swore positively that he never did business with John McKee, the prisoner, it must have been the J. W. McKee, whose address he had given Groot. Oliver knew nothing of this Owens who had been mentioned to him.

John McKee swore that he was a ship broker, who had been in the United States since 1836, and in New York since 1855, previous to which time he had resided in Maryland.

And here comes a strange and startling proof of deliberate intention to concoct a conspiracy or the appearance of such. United States Marshal Murray knew that McKee, like many others in New York at the time of the war, was pronouncedly Southern in sentiment. This Owens brought a letter of introduction to him from one McCaffrey of Baltimore and sent goods to McKee's offices to be kept until called for. Mr. McKee did not know what was contained in the boxes. Later on when confined in Fort Lafayette, McKee learned that this Owens was a Government detective with an alias, calling himself Barber at times, and McKee supposed that the goods had been sent to his place to lead to his arrest because of his Southern sentiments.

The J. W. McKee who was known to Oliver, the master mariner, must have held other opinions, but from beginning to end of the transactions the name of Gomez does not appear save in being ready to sell his fuse, just as other men sell their goods, and then as approving the action

of Groot, the commission merchant, in refusing to deliver them to this Owens who was acting so mysteriously in the matter.

If a conspiracy existed, Mr. Gomez was not a party to it. This, the evidence proves, and if there was a conspiracy it existed between Owens and others, to Gomez unknown. By making a number of arrests at the same time, the Government officials gave an appearance of conspiracy to the matter and thus gave a color of justification for the arbitrary measures taken at the time. They thus enhanced themselves at the expense of Gomez, by showing the government authorities not alone their zeal, but their efficiency in detecting the guilty parties.

It is a well-known fact, that in times of public commotion unscrupulous men may be found ready to swear away the liberties—yes, and the very lives of their fellowmen for the sake of reward. The chances of possible promotion or distinction with their accompanying possibilities of further monetary considerations have, in numerous cases, operated to make bad men combine for the destruction of innocent persons. The revolutionary and insurrectionary movements which have so frequently convulsed European nations amply prove this statement, and it is not unreasonable to assume that when the life of this Republic was in peril, clever dastards existed who preyed alike on the fears of public authority and on the liberties of good citizens. It is not too much to say that Owens, alias Barber, and most likely of many other aliases, was a person of this description, acting on the feelings of the Washington authorities through the ultra-zeal of the United States Marshal here, to the exaltation of himself as an extraordinarily clever detective who could unearth the schemes of the most ingenious foes of the government. The business of Mr. Gomez made him a shining mark for villainy. The fame of his fuse had gone abroad. It had been commended by engineers, army officers, miners, the press and all those who had witnessed its public tests.

What more natural for a conspiracy-monger to imagine than that if he could involve Mr. Gomez in the meshes of apparent conspiracy, his fortune was made?

Before the high court of heaven and before his country Mr. Gomez asserts that he was innocent.

The most searching examination failed to prove him guilty and he was accordingly discharged by the United States Commissioners.

But neither his innocence nor his acquittal sufficed to restore his shattered fortunes, and if due indemnity be refused him now, then there has existed, and still exists, a conspiracy among men against the laws of equity and the principles of eternal justice.

It is for those now who have the power and the means to right the great wrong done him, to say whether they propose to become parties to a conspiracy against Mr. Gomez. But he relies on the good faith of his fellow citizens in power, and confidently appeals for justice, even at this late hour.

WAR DEPARTMENT,

WASHINGTON CITY.

5939 of 1884.
C.

January 13, 1885.

SIR:—Referring to your letter of the 27th ultimo, requesting copies of the testimony of Messrs. Groot, McKee and Oliver, taken before the Military Commission at Fort Lafayette, New York Harbor, I beg to inclose herewith copies of the testimony requested.

Very respectfully,

[Signed.] ROBERT LINCOLN,
Secretary of War.

Mr. EDWIN GOMEZ,
P. O. Box 127, Brooklyn, E. D.
New York.

[1 Inclosure.]

STATEMENT OF PHILIP GROOT.

Reside in Albany, do business in New York, at 18 Liberty Street, commission merchant for a few months.

Had previously been in the banking business in Washington, where I had a bank, no charter; my bank was

called the Mercantile ; I was cashier, Walker was teller ; I forget the President's name.

My New York business was that of a commission merchant, and there has been nothing about it that I wish to conceal.

A Baltimore gentleman named Stowell gave one Owens a letter of introduction to me. Owens said he had business in Chicago. I have lost or destroyed that letter.

He asked where he could buy Gomez fuse ; I asked what he wanted of it ; he said to take West, could I get him 6,000 feet. I saw Gomez about it. He required an advance of $300, before he would begin to make it and I advanced him the $300. One hundred dollars of it from my own funds, taking Gomez's receipt for $300 and a bill for the whole quantity of fuse to be manufactured and delivered at his place. Owens came for the fuse. I then asked him more particularly what he was going to do with it, this was two or three weeks after making the contract, as he gave me no satisfactory answer, I refused to deliver it. I went to Gomez and told him that as Owens would not tell me what he wanted to do with the fuse. I would not take it ; he said, "that is right." He told me a day or two afterwards that he had sold it to the Navy Yard. The $300 has not been repaid. I demanded it. Gomez did not refuse to repay, but said he thought it a forfeiture. I do not know what became of Owens.

I know little about Stowell. I was introduced to him in his store in Baltimore ; he keeps military goods. Owens asked me to store some boxes of goods for him and I assented ; they came by Harnden's Express, three small boxes. I asked him what they contained. He opened two of them, containing ladies' gaiters and children's shoes ; as to the other box all I know is that it was light and he said it contained the same kind of goods. I had them removed to another store, for want of room, and there the Marshal arrested them. I told him where they were. I don't know what was in them.

The reason for my asking Owens what he wanted to do with the fuse was that I thought he had a sneaking look, and acted mysteriously.

The prisoner Oliver came to my place to ask for Owens, and asked me if he came to send him to J. W. McKee, 42 4th Street, or to John McKee, 39 Beaver Street.

I know nothing of Mr. Encas.

STATEMENT OF ISAAC OLIVER.

Am a Portuguese, 41 years old, have been in the United States since 1845, in Baltimore. Had been in New York for a week before my arrest.

I am a master mariner, running a packet schooner regularly between New York and Baltimore, the R. Fowler of which I am part owner. Jenkins, the grocer, of Baltimore owns the other part. Any charge of improper conduct on my part I had a letter to Groot from Stowell, of Baltimore, in regards to goods to be shipped from New York to Baltimore. Mr. Groot said that Owens would probably have some goods to ship to Baltimore. I gave him my address at McKee's, a commission merchant, who knew where I was.

I never did business with John McKee, the prisoner. I know nothing of Owens.

I have never carried any goods not on the manifest nor landed any except at New York and Baltimore, nor ever carried any powder or arms. Am a naturalized citizen of the United States, have a family in Baltimore, have taken no part in the war.

STATEMENT OF JOHN McKEE.

Am an Irishman, 42 years old, in the United States since 1836, in Maryland until 1855, since then in New York ; am a ship broker.

I wrote my whole story to the Secretary of War, December 18th. Owens brought me a letter of introduction from Mr. McCaffrey, of Baltimore. I don't know where he belonged. He sent goods to my office to remain till he called for them. I don't know what was in the boxes ; they were taken to the Marshal's office. From what Owens said I gathered that he meant to take them to some point on the

west side of the Chesapeake Bay. One of the boxes was accidentally broken. It contained small brass wire. Owens represented himself as belonging in Virginia.

The Marshal took all my books and papers.

Since I have been confined my New York friends have informed me that Owens, alias Barber, was a Government detective, and I have supposed that he might have sent the goods to my place to lead to my arrest.

The Marshal has always known that I am a Southerner in sentiment.

Official copy.

G. Norman Lieber,
Acting Judge Adv. General.

War
5939 1 1884.
C. Dept.

Business Circulars which were Basis of Examination before the Military Commission.

In the case of Mr. Gomez, a great deal hinges on the fact as to whether there was any undue secrecy in the conduct of his business.

In other portions of this statement it has been shown that he courted the fullest publicity and could not therefore be held as a person who was prepared to conspire against law and order. The tests of his invention had been made in public, and the newspapers of the day published full reports of such tests. High army and navy officers had witnessed them, and had declared their satisfaction with the results.

But to still further show that Mr. Gomez acted in the full light of day, copies of circulars which he caused to be printed in 1857 and 1858, and to be published and distributed in hundreds of thousands all over the country can be produced if called for.

As a business man he naturally desired the widest possible knowledge of his invention to be given. The more it was heard of the better for him, because its superiority was demonstrated by every test, no matter by whom made. In Washington particularly Mr. Gomez caused the fullest possible circulation to be given his circulars. He knew the value of his invention and felt that the more army and navy circles knew of his Lightning Fuse, the more likely was he to receive solid financial returns for the exercise of his genius and his outlay in the manufacture of the fuse.

And when on trial before the Military Commission the very questions asked him by the members of the Court showed that they had carefully studied these circulars.

There was no proof that he had conspired or combined with any person or persons against the United States. But he was asked questions as to how much of this and how much of that he had manufactured, and to whom they

were sold, by which the Court was turned into an inquisitorial tribunal with the view of fastening guilt at any hazard on the man against whom not a shadow of legal proof of wrong-doing existed.

These questions were wholly based on the descriptions of his goods given by Mr. Gomez in the circulars he had so widely distributed—descriptions corroborated throughout by the favorable opinions expressed by high army and naval officers of the Government.

Were it not that so much suffering fell on Mr. Gomez, the inquisition to which he was subjected might be termed a farce. Doers of evil court darkness. Mr. Gomez courted light. "Light, light, more light" was his cry. He was proud of his invention and knew that its forces exceeded anything hitherto discovered by man. He knew that it tended to vastly increase the power of forces already known. And the amount of loss his arbitrary arrest and the suppression of his business brought on him may be imagined from circulars, letters, etc., all of which can be produced in evidence if Mr. Gomez can only obtain an opportunity to place his case before a competent tribunal. They show how greatly his genius was recognized in the highest and most competent circles, and in proportion to the magnitude of his losses, so should be the amount of his indemnity.

Was An Effort Made to Violate the Military Decrees of the War Department?

One of the most disgraceful features of this extraordinary case was the apparently studied effort made by the Government to induce a violation of its own mandates by Mr. Gomez. On the plea of military necessity the Secretary of War no doubt distinctly forbade the further manufacture of the electric fuse, and on charges which could not be proven Mr. Gomez was arrested in the most arbitrary manner. This arrest was certainly a most effectual means of preventing Mr. Gomez from pursuing the business, and it would seem to ordinary fair-minded people that if military necessity really demanded what the Secretary of War enforced, viz., the total suppression of a man's business to the financial ruin of his legitimate business prospects, combined with arrest and incarceration, amply sufficed for the purposes in view.

But throughout the whole affair certain incidents occurred which went to prove a malicious design to entrap Mr. Gomez. Thus he was arrested on October 26th, 1863, as before stated, and concurrent with such arrest an officer in the service of the United States sought to obtain such electric fuse from Mr. Gomez. This certainly looks now as it did to Mr. Gomez then, a clear attempt to bring about a palpable violation of the rules laid down by the Government. Mr. Gomez could not be entrapped then, but he holds that it was wholly unworthy of the Government to thus treat him, and it strengthens his claim to exemplary damages. He fully complied with the regulations of the Government. As a good citizen it was his desire and his aim to avoid causing the Government any trouble whatsoever. Any annoyance or alarm caused to the Government in connection with his affairs was brought about by mercenary hirelings or jealous rivals playing on the fears and prejudices of the authorities at that time.

But all the suffering fell on him—a man entirely innocent of any crime or intent to commit crime. To order the

manufacture of his invention to cease while sending officials to obtain quantities of it was the height of bad faith. It was calculated to place him at the mercy of any opponent he might have, since no matter how he acted he was placed in opposition to the Government or its officials. But as he obeyed the Secretary of War and suffered unjust imprisonment on false charges he holds now and respectfully urges his claim to indemnity for the business ruin and financial loss which were inflicted on him by the power that should have protected him rather than destroyed him.

Civil Discharges on Four Counts.

The bald statement of the accompanying papers relating to the examination of Mr. Gomez before the civil authorities, speaks volumes. A military tribunal sitting in the plenitude of its power, under the excitement of times which tried men's souls, when political fanatics permitted their imagination to run riot with their reason, had failed to be satisfied that guilt lurked in the transactions of Mr. Gomez, either as an inventor or as a vendor of his special lines of goods. In those days accusation and condemnation were as twin-furies to harass, annoy, trouble or destroy the accused. Men were as babies, seeing ghosts of treason and goblins of rebellion everywhere. The political atmosphere was lurid with sectional hates ; distrust had smitten the public conscience with a very leprosy of fear and yet no drumhead court-martial could find a shadow of excuse for detaining Gomez. And then, although arrested without due form of law, the military satraps of the government turned this innocent victim of arbitrary power—of power outrageously and illegally exercised, over to the civil power; they sent forth the man in whom they could find no crime to be dealt with by the civil authorities. This military commission was a composite Pilate who wished to wash its hands of the tears, the sorrows, the heart-burnings of a devoted husband, a fond parent, a citizen of unblemished character, toward whom it had pleased his government to exhibit a recklessness of folly unparalleled outside of Russia.

"Discharged" cried the Military Commission and the cry was echoed through the cheerless cells of Fort Lafayette, and the cry grew in volume and it tracked Gomez to the Courts of the civil power, as represented by Commissioner Osborn, and then the dreary farce was renewed and the hireling spies, whose testimony, which although solemnly sworn to before the Military Commission, was not believed, again called God to witness the truth to their infamous perjury against an innocent man. And again the stars exposed the gross inconsistencies of the evidence against

Gomez; and the stripes of disbelief in the assertions of the hirelings were laid across the backs of their pachydermatous consciences.

"Discharged." It rings again in the civil courts and Edwin Gomez goes forth a free man at last, but substantially a free pauper, because his business has been destroyed and the glorious gift of inventive genius which a kind providence had given him has been changed from a harmless rod into a pestilent serpent—the blessing has become a curse—the first-born of his genius has been smitten to the death.

"Discharged." But what avails it to the man whom you condemn and punish first, that you try him, find him guiltless and discharge him afterward, when you send him out without apology for your tyranny or any attempt at compensation for his wrongs.

"Discharged" indeed Gomez was by the government which should have rejoiced in his discoveries, gloried in his skill, fostered his genius and protected his interests.

But until some more practical compensation than the bald statement—"discharged"—is given to Mr. Gomez his government shall lie under the weight of a criminal abuse of its power, wholly disgraceful in its operation, tyrannical in its exercise and dishonorable in itself.

"Discharged" indeed was Gomez and it now remains to be seen whether the government by refusing or evading exemplary compensation to this wronged man, can afford to appear in a garment of disgrace, with fringes of tyrannical indifference and draperies of dishonorable neglect.

UNITED STATES CIRCUIT COURT.

THE UNITED STATES *vs.* EDWIN GOMEZ.	*Offence.* Giving aid and comfort to the enemy.

On affidavit of Robert Murray, U. S. Marshal, Commissioner Osborn issued warrant.

Defendant arrested and bailed in $10,000.

Examination held before Commissioner Osborn and decision reserved.

Defendant discharged.

A copy of the docket entries in office of the United States Attorney.

EDWARD MITCHELL,
U. S. Attorney.

UNITED STATES CIRCUIT COURT.

THE UNITED STATES *vs.* PHILIP W. GROOT.	*Offence.* Corresponding with Rebels.

On affidavit of Robert Murray, Commissioner Osborn issued warrant.

Defendant arrested and gave bail in $5,000.

Examination held before Commissioner Osborn.

Examination closed and case submitted.

Commissioner Osborn decides to discharge defendant.

A copy of the docket entries in office of the United States Attorney.

ELWARD MITCHELL,
U. S. Attorney

UNITED STATES CIRCUIT COURT.

THE UNITED STATES *vs.* JOHN MCKEE	*Offence* Giving aid and comfort to the rebellion.

On affidavit of Robert Murray, Commissioner Osborn issued warrant.

Defendant arrested and bailed in $10,000.

Examination commenced before Commissioner Osborn and adjourned to May 2nd.

Examination closed and case submitted.

Commissioner Osborn renders decision discharging defendant.

A copy of the docket entries in office of the United States Attorney

EDWARD MITCHELL,
U. S. Attorney.

UNITED STATES CIRCUIT COURT.

THE UNITED STATES *vs.* ISAAC OLIVER.	*Offence.* Giving aid and comfort to the rebellion.

On affidavit of Robert Murray, Commissioner Osborn issued warrant.

Defendant arrested and bailed in $5,000.

Examination commenced before Commissioner Osborn and adjourned to May 3rd.

Examination closed and case submitted.

Commissioner Osborn renders decision discharging defendant.

A copy of the docket entries in office of the United States Attorney.

EDWARD MITCHELL,
U. S. Attorney.

The object sought by Mr. Gomez in placing these facts before the Senators and members of the House of Representatives, is to evoke such a sense of justice on their part as may induce them to grant him, even at this late day, at least a fair hearing.

He appeals to them for some equitable acknowledgment of his losses and of his wrongs.

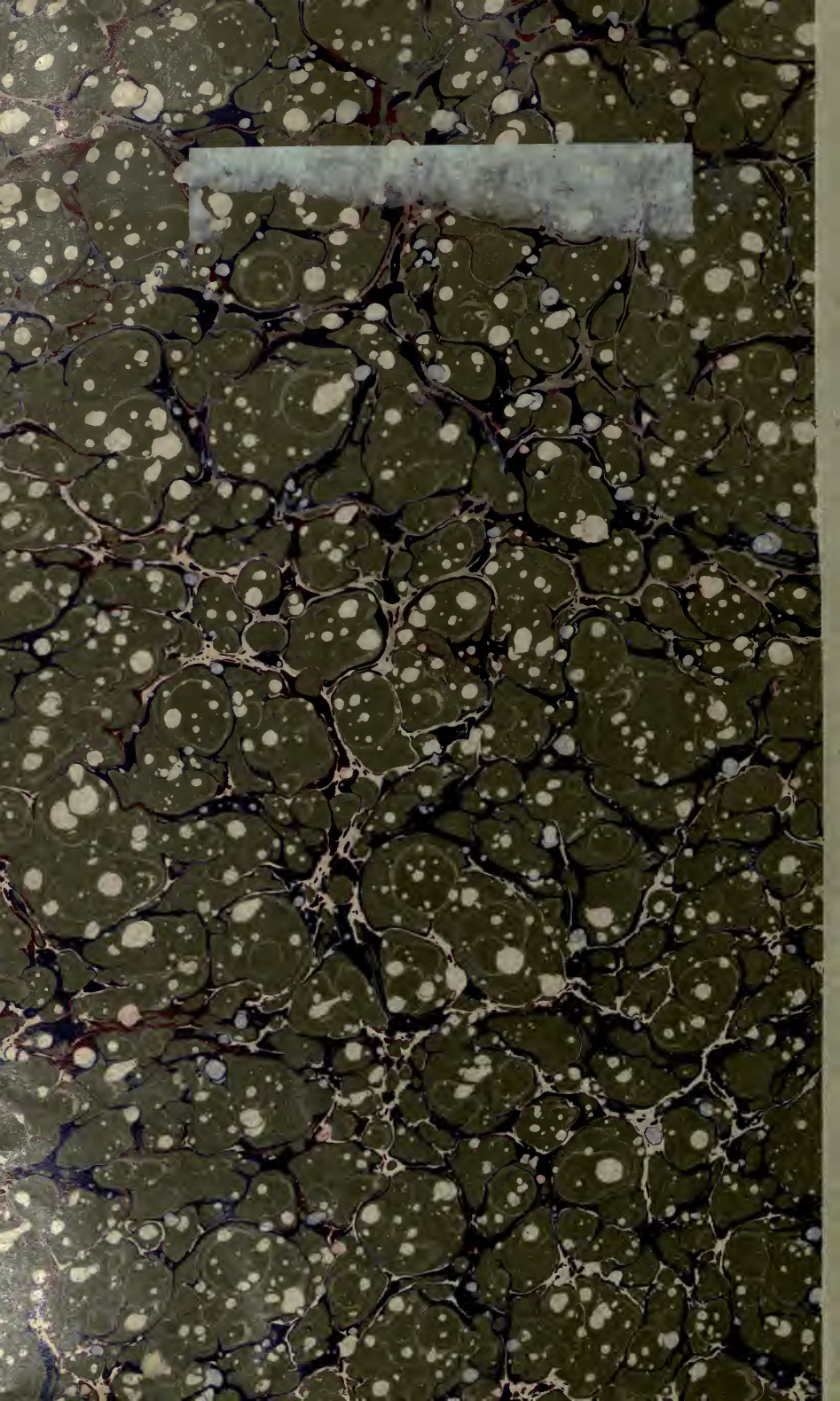
He seeks no hole-in-the-corner enquiry, but an impartial examination of his claims in the face of day made by the American people through their Representatives in Congress.

He is unable to retain eminent counsel, because of the poverty dealt out to him by his own Government. But he does expect that careful consideration of his position be given him by all those who enjoy the high honor and privilege of representing the American people ; and while he requests every Senator and Congressman to do him justice, no matter from what State such Representative may come, he makes special appeal to the Senators and Representatives of this imperial State of New York—a commonwealth too mighty to endure for an instant the infliction of a wrong on even the humblest and poorest of her citizens.

Let further proof of all the foregoing be demanded, and Edwin Gomez is prepared to furnish it with letters papers and orders from officials, army and navy officers, leading mining firms, newspaper representatives of foreign governments, &c., showing the value of his great invention. Some idea of the ruin brought on him by his arrest and the consequent destruction of his business may thus be obtained.

DAMAGES.

There was a singular want of harmony between the different departments of the Government in this affair of Mr. Gomez. First of all, he was arrested for making fuse; then he was discharged through lack of incriminatory evidence to connect his lawful business with illegal designs, and almost immediately he was requested, April 9, 1864, by Officer W. P. Trowbridge, of the U. S. Engineer Agency, No. 7 Bowling Green, New York, to furnish the electric fuse train. What did it mean? Was it the purpose to entrap him and give the Washington authorities the very best evidence that he was prepared to violate their own mandates? It has the appearance of such a design, and Mr. Gomez claims exemplary damages for the ruin inflicted on himself, his family and his business.



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